

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID A. CURCIO,

No. C 05-3764 MMC

Petitioner,

ORDER DISMISSING ACTION

v.

FEDERAL BUREAU OF INVESTIGATION,

Respondent


By order filed October 13, 2005, the Court dismissed petitioner's Petition to Perpetuate Testimony. The Court afforded petitioner the opportunity to file an amended petition no later than October 31, 2005. To date, petitioner has not filed an amended petition.

Accordingly, for the reasons set forth in the order filed October 15, 2004, the Court hereby DISMISSES the above-entitled action without prejudice, for lack of subject matter jurisdiction.

The Clerk shall close the file.

IT IS SO ORDERED.

Dated: November 3, 2005


MAXINE M. CHESNEY
United States District Judge